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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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08/999,604 12/26/96 DENT

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LM02/0428
BURNS DOANE SWECKER AND MATHIS
P O BOX 1404
ALEXANDRIA VA 22313-1404

EXAMINER

LUTHER, W

ART UNIT

PAPER NUMBER

2731

DATE MAILED:

04/28/99

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/999,604

Applicant(s)

DENT

Examiner

William Luther

Group Art Unit

2731



☒ Responsive to communication(s) filed on Feb 4, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-40 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 1-28 is/are allowed.

☒ Claim(s) 29, 30, 32-34, and 36-40 is/are rejected.

☒ Claim(s) 31 and 35 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Reissue Applications

1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.
2. Applicant's arguments with respect to claims 29-30, 32-34, and 36-40 have been considered but are moot in view of the new ground(s) of rejection.

In any event, in Amendment A applicant states that "... it would not have been obvious to combine Nguyen with Gilhousen et al in the manner suggested because this would cause the system of Gilhousen to lose synchronization.... synchronization is lost when a mobile unit powers up and ...down" (pg 2 paragraph 5). However, there is some disagreement because it is during the Nguyen power savings mode that the receiver is powered down not the entire handset. Further, it is during the power up cycle where synchronization is derived. For example, in Nguyen Figure 4 there is depiction of a batch which comprises the sync word. But, the entire handset is not turned powered down (see col 1 line 28). So, applicant's assertion that there would be no motivation to combine is found to lack sense so long as there is some minimal power. Finally, applicant is reminded of paragraphs 1 and 7 of this office action.

Claim Rejections - 35 U.S.C. § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 29, 30, 32-34, and 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilhousen et al. (US 5103459), hereinafter referred to as Gilhousen, in view of Nguyen (US 5230084).

Gilhousen discloses a method for communicating information between a base station and mobile units in a cellular telephone system using CDMA (code division multiple access) technique (Figure 1). Each paging channel carries a control signal (calling channel signal) formed by coding control information using a respective spread spectrum code. Each voice channel carries a traffic signal formed by coding a voice signal with a respective spread spectrum code (Figure 4A). Signals from the channels are summed (Figure 4C) into a composite signal used to modulate a carrier frequency forming a radio frequency signal. The radio frequency signal is transmitted from the base station to the mobile units. Each mobile unit receives and processes the composite signal to extract from it control information traffic information (Figures 9-10). See column 4, lines 47-56; column 6, lines 21-55; column 12, lines 6-29; column 13, lines 21-59; column 21, line 30 through column 25, line 27; and column 29, line 20 through column 31, line 52.

Gilhousen does not disclose that control information for a specific group of mobile units is transmitted only at predetermined times (as specified in claims 29 and 33). Gilhousen also does not disclose assigning a mobile unit to a subgroup of data blocks and transmitting paging messages to the mobile unit only in the subgroup (as specified in claims 30 and 34).

Nguyen discloses a technique that enable selective call receivers in a radio communication system to save power and extend battery life. In this technique the message transmitting system designates the selective call receivers to operate in groups; orders the messages to be transmitted to the groups in a sequence of ordered batches; identifies the transmission batch sequence; and transmits the sequence of ordered batches. The receiver part of a selective call receiver is powered up during a predetermined period only in order to receive the ordered batches directed to the group to which it belongs, while powered down the rest of the time. See column 1, lines 47-68. It is clear from the above discussion that Nguyen teaches the claimed limitations that Gilhousen fail to disclose. It would have been obvious to one of ordinary skill in the art to use Nguyen technique in Gilhousen's communications system in order to allow each mobile unit to save power and extend the life of its batteries, as a result of powering up its receiver only during periods where transmitted batches of control information is directed to the group to which it belongs.

Claims 32 and 36, specify that identification codes associated with mobile stations are used to determine assigned data block subgroups. It is respectfully submitted that this feature is inherently taught by Nguyen, as it is necessary to use the identification codes of the selective call

receivers for the purpose of grouping them into different groups, so as to assign ordered batches to respective groups.

Considering claims 37 and 39, as synchronization is control information... sync control... calling it by its name would have been obvious to one having an ordinary level of skill in the art for the matter of convenience (see Nguyen Figure 4 sync code words).

Considering claims 38 and 40, although Gilhousen et al teach that the synchronization and paging channels are different per Figure 4a, it would have been within the level of skill of an ordinary artisan at the time of filing to consider sending synchronization codes in the paging channel such as taught by Nguyen for the benefit of power savings.

Allowable Subject Matter

5. Claims 31 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claims 1-28 are allowed.

Conclusion

7. Applicant is advised to submit an information disclosure statement including a PTO 1449 form listing all the references cited in the original patent, so that these references can be published in the reissue patent.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *William Luther* whose telephone number is (703) 308-6609. The examiner can normally be reached on Monday through Friday from 9:30 am to 6:00 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

9. **Any response to this action should be mailed to:**
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

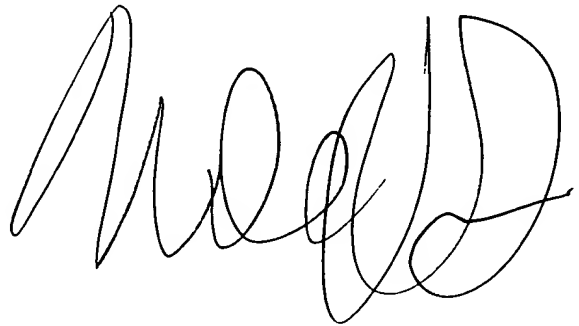
(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-5403 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

William Luther
Patent Examiner
April 24, 1999

A handwritten signature in black ink, appearing to read 'W. Luther', with a large, stylized flourish at the end.